## IN THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS BROWNSVILLE DIVISION

Sputhern District of Texas

JAN 14 2000

EDWARD ALCALA, et. al.,

Plaintiffs,

VS.

CIVIL ACTION NO. B-96-203

ALEX PEREZ, in his official capacity

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Michael N. Milby Capacity

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CIVIL ACTION NO. B-96-203

Sheriff of Cameron County, Texas and

Cameron County, Texas,

Defendants.

## MAGISTRATE JUDGE'S SUPPLEMENTAL REPORT AND RECOMMENDATION

Pending before the Court are the Plaintiffs' Objections to the Magistrate Judge's Report and Recommendation. The Plaintiffs object to the dismissal of the entire case based on the Court's finding that the law enforcement officers were not entitled to any extra compensation for the eleven hour period in question. The Plaintiffs have requested that this Court confine its recommendations to dismissal of this one legal issue and not of the entire case, as the Plaintiffs and the Defendants are in negotiations for payment of overtime for hours worked in excess of 171 in a pay period.

After reviewing the objections and prior pleadings, the Court is in agreement with the Plaintiff and recommends that only the issue of eleven hour gap pay be dismissed, but that the other issues in the case remain open.

IT IS THEREFORE RECOMMENDED that Defendant's Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(c) BE GRANTED only on the issue of the eleven hour period in question.

A party's failure to file written objections to the proposed findings, conclusions, and

recommendation in a magistrate judge's report and recommendation within 10 days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the district court, provided that the party has been served with notice that such consequences will result from a failure to object. Douglass v. United Services Automobile Association, 79 F.3d 1415 (5th Cir. 1996).

DONE at Brownsville, Texas, this 13th day of January, 2000.

John Wm. Black

United States Magistrate Judge

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	ORDER
Before the Court is Magistrate Judge	e's Report and Recommendation of January 10, 2000 and
Magistrate Judge's Supplemental Report	and Recommendation of January 13, 2000 on the above-
referenced cause of action. After a de no	vo review of the entire file, it is the opinion of this Court
that both the Magistrate Judge's Repo	ort and Recommendation and the Magistrate Judge's
Supplemental Report and Recommendation	on should be ADOPTED.
IT IS ORDERED that the Defendar	nt's Motion for Summary Judgment be GRANTED. The
Court finds that the law enforcement offi	cers are not entitled to be paid for the time they worked

between 160 hours (their regular work schedule) and 171 hours (the point at which they are entitled

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United States District Court Judge

DONE at Brownsville, Texas this \_\_\_\_\_ day of \_\_\_\_\_, 2000.

to overtime under 29 U.S.C. § 207(k)).